

STATE OF MICHIGAN
IN THE SUPREME COURT

MICHAEL MARTIN,

Plaintiff-Appellee,

v

MILHAM MEADOWS I LIMITED
PARTNERSHIP and MEDALLION
MANAGEMENT, INC.,

Defendants-Appellants.

Supreme Court No. 154360

Court of Appeals No. 328240

Kalamazoo County Circuit Court
No. 13-000485-NO

**INSURANCE ALLIANCE OF MICHIGAN MOTION TO FILE BRIEF
AMICUS CURIAE**

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Dated: September 14, 2017

Pursuant to MCR 7.312(H)(1) the Insurance Alliance of Michigan moves this Court for leave to file a brief amicus curiae in support of Defendants-Appellants.

Through this Court's Order of May 19, 2017, the court invited specifically identified organizations to file briefs amicus curiae. The court also invited other groups interested in the determination of the issues in this matter to move the court for permission to file briefs amicus curiae. *Id.*

The Insurance Alliance of Michigan (IAM) is the result of the joinder of two previously existing major state-wide organizations, the Insurance Institute of Michigan and the Michigan Insurance Coalition, with a goal of speaking with a single-unified voice on insurance industry issues. It has as one of its top priorities to support legislation and law that helps bring down the cost of insurance in Michigan. IAM member companies provide insurance to approximately 70% of the property/casualty insurance market in Michigan.

The IAM has interest in the determination of the issues presented because its members insure individuals and entities across the state of Michigan who are often involved in premises liability claims and claims asserting entitlements under MCL 554.139. The IAM is of the belief that the Court of Appeals decision in this action applies MCL 554.139 inappropriately in the circumstances and contrary to this Court's opinion in *Allison v AEW Capitol Management LLP*; 481 Mich 419; 71 NW2d 8 (2008). The IAM believes that if allowed to stand the Court of Appeals decision will create uncertainty in the law rendering it difficult to predict whether any conduct of IAM members or their insureds might in any sense violate the law.

Although more than 21 days have expired since the brief of the Appellee has been filed (see MCR 7.312(H)(3)), the IAM is of the understanding that this matter has not been set for oral argument and submits that review of the issues it will present will assist this Court in making its determination whether to accept Defendants-Appellants Application for Leave to Appeal.

For these reasons, the Insurance Alliance of Michigan asks that this Motion be granted and it be authorized to file a brief amicus curiae in support of Defendants-Appellants.

Respectfully submitted,

FOSTER, SWIFT, COLLINS & SMITH, P.C.
Attorneys for Amicus Curiae Insurance Alliance of
Michigan

Dated: September 14, 2017

By: /s/Scott L. Mandel (P33453)
Scott L. Mandel (P33453)
Thomas R. Meagher (P32959)

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2017, I arranged for service of the foregoing *Insurance Alliance of Michigan to File Brief Amicus Curie* on all parties of record. Service was made by First Class Mail from Lansing, Michigan, as well as through the *Michigan Supreme Court* Electronic-filing system.

/s/Heidi S. Hopper
Heidi S. Hopper, PP, PLS

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